

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

WYNETTE KWOK, etc.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 13 C 2070
	)	
DELTA AIR LINES, INC.,	)	
	)	
Defendant.	)	

MEMORANDUM

Wynette Kwok ("Kwok") has brought a putative class action against Delta Air Lines, Inc. ("Delta"), charging it with misrepresentations and breaches of contract in the conduct of its frequent flyers program. Jurisdiction is properly sought to be predicated on diversity of citizenship.

What is troubling and prompts the issuance of this sua sponte memorandum order, however, is Kwok's choice of forum. Complaint ¶7 identifies her as a California resident, while Complaint ¶8 identifies Delaware corporation Delta as having its principal executive offices in Atlanta, Georgia.

Although there are certainly many Illinois residents who participate in the frequent flyer program at issue (so that this may perhaps be an available venue under 28 U.S.C.A. §1391(b)(2)<sup>1</sup> in technical terms<sup>2</sup>), it would seem likely that an appropriate

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<sup>1</sup> All further references to Title 28's provisions will simply take the form "Section--."

<sup>2</sup> This memorandum expresses no view on that subject.

analysis under Section 1404(a) would call for a transfer to a more appropriate District Court. This Court will not of course act sua sponte in that respect, but it wishes to alert the litigants to its concerns.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive, flowing style.

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Milton I. Shadur  
Senior United States District Judge

Date: March 20, 2013